

REMARKS

In paragraph 5 of the Detailed Action, the Examiner has rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,279,180 - Henriksson in view of US Patent 5,984,334 - Dugas. The Examiner alleges that it would have been obvious to provide the brake handle assembly of Henriksson with a brake rod connected to a brake actuating member as taught by Dugas. This ground of rejection is respectfully traversed.

Henriksson teaches a brake handle assembly which uses a conventional cable pull arrangement to actuate a brake. Upward movement of brake handle 24 causes element 6 to rotate about pivot 9, pulling cable 5 to actuate a brake. Downward movement of brake handle 24 causes abutment surface 17 to engage abutment portion 18 thereby drawing pivot 10 rearwardly. This in turn causes element 6 to rotate about pivot 9, pulling cable 5 to actuate the brake. Further downward movement of handle 24 causes abutment surface 17 to slide over surface 19 and be locked against second abutment 20.

While the braking handle of Henriksson and the braking handle of claim 15 have a similar "up to brake-down to lock" functionality, the way in which they achieve this functionality is entirely different. More importantly, it would not be possible to simply supply Henriksson with the brake rod of Dugas and achieve a workable brake handle assembly.

Henricksson uses element 6 to pull cable 5 to actuate the brake. As element 6 pivots about point 9, the point of attachment 8 of cable 5 describes an arc as element 6 is pivoted. This non-linear movement is translated into linear motion of cable 5 by the flexible properties of the cable. However, if one were to simply substitute a solid brake rod for the flexible cable, the mechanism of Henricksson would be completely inoperative. In this regard, the arcuate motion of attachment point 8 would cause the rod to also follow a non-linear path and jam in passage 27 of housing 2. Moreover, such non-linear motion

would also be unsuitable for the claimed assembly of claim 15, as the brake rod is required to move linearly within the tubular handle bar and leg member of the wheeled walker.

The assembly of claim 15 is effective to translate pivoting motion of the brake lever into linear motion of the brake rod by the design and operation of the claimed brake actuating member. The Examiner has identified element 6 in the Henricksson apparatus as the equivalent of the claimed brake actuating member. However, as noted above, element 6 moves by pivoting about point 9 and accordingly, is not "slidably mounted within said housing" as required by claim 15.

The assembly of claim 15 requires the brake lever to have a "first pivot means" about which the brake lever pivots when it is raised. The Examiner has identified pivot point 9 in the Henricksson apparatus as the equivalent of the claimed "first pivot means". However, pivot 9 in the Henricksson apparatus is located in element 6 and not in the brake lever as claimed. Moreover, the brake lever in the Henricksson assembly does not rotate about pivot 9 as alleged by the Examiner. Instead, the brake lever rotates about pivot 10 until abutment surface 14 contacts element 6, after which element 6 rotates about pivot 10 causing the brake lever to follow an upward arcuate path.

The assembly of claim 15 requires the "first abutment surface" to upwardly displace the brake actuating member when the brake lever is raised. The Examiner has identified surface 14 in the Henricksson apparatus as the equivalent of the claimed "first abutment surface". However, surface 14 in the Henricksson apparatus does not upwardly displace element 6 as claimed. Instead, the rotational displacement of element 6 about pivot 9 is effected by the rearward motion of pivot point 10.

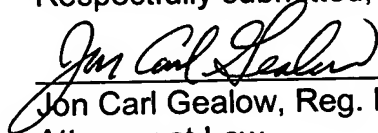
The assembly of claim 15 requires a "second abutment surface" near the forward end of the brake lever. The Examiner has identified surface 15 in the Henricksson apparatus as the equivalent of the claimed "second abutment surface". However,

downward movement of the brake lever in the Henricksson apparatus does not cause surface 15 to engage and upwardly displace the brake actuating member as claimed. Instead, surface 15 engages stop 22 and comes to rest against abutment surface 20.

Thus, while the braking device of Henricksson may share some functional similarities with the brake handle assembly of claim 15, the two assemblies operate in completely different ways. This would be so, whether or not the Dugas brake rod were to be substituted for the cable pull device of Henricksson.

In view of the foregoing remarks, it is respectfully submitted that claim 15 is not rendered obvious by US Patent 5,279,180 - Henriksson in view of US Patent 5,984,334 - Dugas. Withdrawal of the ground of rejection under 35 U.S.C. 103(a) is respectfully requested.

Respectfully submitted,


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July 10, 2007

OHH-P-30.AM1